

Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of Mary Kay Vyskocil, of New York, to be United States District Judge for the Southern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 4, as follows:

[Rollcall Vote No. 409 Ex.]

YEAS—89

| | | |
|--------------|------------|------------|
| Alexander | Feinstein | Reed |
| Baldwin | Fischer | Risch |
| Barrasso | Gardner | Roberts |
| Bennet | Graham | Romney |
| Blackburn | Grassley | Rosen |
| Blumenthal | Hassan | Rounds |
| Blunt | Hawley | Rubio |
| Boozman | Hoeven | Sasse |
| Braun | Hyde-Smith | Schatz |
| Brown | Inhofe | Schumer |
| Burr | Johnson | Scott (FL) |
| Cantwell | Jones | Scott (SC) |
| Capito | Kaine | Shaheen |
| Cardin | Kennedy | Shelby |
| Carper | King | Sinema |
| Casey | Lankford | Smith |
| Cassidy | Leahy | Stabenow |
| Collins | Lee | Sullivan |
| Coons | Manchin | Tester |
| Cornyn | McConnell | Thune |
| Cortez Masto | McSally | Tillis |
| Cotton | Menendez | Toomey |
| Cramer | Merkley | Udall |
| Crapo | Moran | Van Hollen |
| Cruz | Murkowski | Warner |
| Daines | Murphy | Whitehouse |
| Duckworth | Murray | Wicker |
| Durbin | Perdue | Wyden |
| Enzi | Peters | Young |
| Ernst | Portman | |

NAYS—4

| | |
|------------|--------|
| Gillibrand | Hirono |
| Heinrich | Markey |

NOT VOTING—7

| | | |
|---------|-----------|--------|
| Booker | Klobuchar | Warren |
| Harris | Paul | |
| Isakson | Sanders | |

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 4.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kea Whetzel Riggs, of New Mexico, to be United States District Judge for the District of New Mexico.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kea Whetzel Riggs, of New Mexico, to be United States District Judge for the District of New Mexico, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. BRAUN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 1, as follows:

[Rollcall Vote No. 410 Ex.]

YEAS—92

| | | |
|--------------|------------|------------|
| Alexander | Fischer | Portman |
| Baldwin | Gardner | Reed |
| Barrasso | Gillibrand | Risch |
| Bennet | Graham | Roberts |
| Blackburn | Grassley | Romney |
| Blumenthal | Hassan | Rosen |
| Blunt | Hawley | Rounds |
| Boozman | Heinrich | Rubio |
| Braun | Hoeven | Sasse |
| Brown | Hyde-Smith | Schatz |
| Burr | Inhofe | Schumer |
| Cantwell | Johnson | Scott (FL) |
| Capito | Jones | Scott (SC) |
| Cardin | Kaine | Shaheen |
| Carper | Kennedy | Shelby |
| Casey | King | Sinema |
| Cassidy | Lankford | Smith |
| Collins | Leahy | Stabenow |
| Coons | Lee | Sullivan |
| Cornyn | Manchin | Tester |
| Cortez Masto | Markey | Thune |
| Cotton | McConnell | Tillis |
| Cramer | McSally | Toomey |
| Crapo | Menendez | Udall |
| Cruz | Merkley | Van Hollen |
| Daines | Moran | Warner |
| Duckworth | Murkowski | Whitehouse |
| Durbin | Murphy | Wicker |
| Enzi | Murray | Wyden |
| Ernst | Perdue | Young |
| Feinstein | Peters | |

NAYS—1

Hirono

NOT VOTING—7

| | | |
|---------|-----------|--------|
| Booker | Klobuchar | Warren |
| Harris | Paul | |
| Isakson | Sanders | |

The PRESIDING OFFICER. On this vote, the yeas are 92, and the nays are 1.

The motion is agreed to.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I want to announce to all of our Members that by popular demand, the Democratic leader and I will have a bipartisan agreement that we will have 10-minute votes enforced tomorrow.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I just want to let our side know that this will be strictly enforced, so we have to be here.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gary Richard Brown, of New York, to be United States District Judge for the Eastern District of New York.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Pat Roberts, Mike Rounds, Thom Tillis, Roger F. Wicker, Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gary Richard Brown, of New York, to be United States District Judge for the Eastern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 2, as follows:

[Rollcall Vote No. 411 Ex.]

YEAS—91

| | | |
|--------------|------------|------------|
| Alexander | Fischer | Portman |
| Baldwin | Gardner | Reed |
| Barrasso | Gillibrand | Risch |
| Bennet | Graham | Roberts |
| Blackburn | Grassley | Romney |
| Blumenthal | Hassan | Rosen |
| Blunt | Hawley | Rounds |
| Boozman | Heinrich | Rubio |
| Braun | Hoeven | Sasse |
| Brown | Hyde-Smith | Schatz |
| Burr | Inhofe | Schumer |
| Cantwell | Johnson | Scott (FL) |
| Capito | Jones | Scott (SC) |
| Cardin | Kaine | Shaheen |
| Carper | Kennedy | Shelby |
| Casey | King | Sinema |
| Cassidy | Lankford | Smith |
| Collins | Leahy | Stabenow |
| Coons | Lee | Tester |
| Cornyn | Manchin | Thune |
| Cortez Masto | Markley | Tillis |
| Cotton | McConnell | Toomey |
| Cramer | McSally | Udall |
| Crapo | Menendez | Van Hollen |
| Cruz | Merkley | Warner |
| Daines | Moran | Whitehouse |
| Duckworth | Murkowski | Wicker |
| Durbin | Murphy | Wyden |
| Enzi | Murray | Young |
| Ernst | Perdue | |
| Feinstein | Peters | |

NAYS—2

Hirono
Sullivan

NOT VOTING—7

| | | |
|---------|-----------|--------|
| Booker | Klobuchar | Warren |
| Harris | Paul | |
| Isakson | Sanders | |

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 2.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Roy Blunt, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Sen-

ator from Louisiana (Mr. KENNEDY), and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—90

| | | |
|--------------|------------|------------|
| Alexander | Fischer | Portman |
| Baldwin | Gardner | Reed |
| Barrasso | Gillibrand | Risch |
| Bennet | Graham | Roberts |
| Blackburn | Grassley | Romney |
| Blumenthal | Hassan | Rosen |
| Boozman | Hawley | Rounds |
| Braun | Heinrich | Rubio |
| Brown | Hoeven | Sasse |
| Burr | Hyde-Smith | Schatz |
| Cantwell | Inhofe | Schumer |
| Capito | Johnson | Scott (FL) |
| Cardin | Jones | Scott (SC) |
| Carper | Kaine | Shaheen |
| Casey | King | Shelby |
| Cassidy | Lankford | Sinema |
| Collins | Leahy | Smith |
| Coons | Lee | Stabenow |
| Cornyn | Manchin | Sullivan |
| Cortez Masto | Markley | Tester |
| Cotton | McConnell | Thune |
| Cramer | McSally | Tillis |
| Crapo | Menendez | Toomey |
| Cruz | Merkley | Udall |
| Daines | Moran | Van Hollen |
| Duckworth | Murkowski | Warner |
| Durbin | Murphy | Whitehouse |
| Enzi | Murray | Wicker |
| Ernst | Perdue | Wyden |
| Feinstein | Peters | Young |

NAYS—1

Hirono

NOT VOTING—9

| | | |
|--------|-----------|---------|
| Blunt | Isakson | Paul |
| Booker | Kennedy | Sanders |
| Harris | Klobuchar | Warren |

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. The Senator from Louisiana.

GOVERNMENT FUNDING

Mr. CASSIDY. Mr. President, I rise to discuss the spending bill, which we are about to vote on, which is going to increase our deficit by almost a fourth of a trillion dollars over 10 years and of which I think I might be the first speaker. We are going to vote on this. We got it yesterday—Monday, maybe—and we are going to vote on it tomorrow.

I smile because this is supposed to be the world's greatest deliberative body, and we have not deliberated one bit on

far-ranging policies. Now, by the way, the mess is kind of bipartisan. We can spread the blame around.

Let me bring up the heart of it. When ObamaCare passed, President Obama famously said it would not increase the deficit by one dime. That is gone. I think that replaces "you can keep your doctor if you want to" as the greatest lie. What we did today is to repeal about \$400 billion in payments to pay for all the healthcare that is going out. It is kind of a joke on Republicans. We are getting ObamaCare, but we are not paying for it.

On the other hand, as I will explain in a second, it may ultimately be a joke on Democrats. Now, this concerns me because we didn't have a committee hearing on it, and we haven't had a floor debate, but we just committed that for almost \$400 billion that have been used to fund Medicaid expansion, people getting subsidies for their health insurance, and many other things, we just went poof, and it is gone.

Now, some of it, like the health insurance tax, was a tax that the insurance industry agreed to so that the Obama administration would force ObamaCare upon the rest of us. But now that it has been agreed to and ObamaCare is stuck, they don't want to pay the tax. They would rather that go poof.

Now, people say: Wait a second. If we get rid of that tax, maybe insurance premiums go down. One, they don't guarantee it, but, secondly, what we could have done is we could have taken that money, created reinsurance pools across the Nation, and that is estimated to lower premiums by 10 to 20 percent. In that case, not only would the insurance industry be fulfilling their bargain—hey, you stick the Nation with ObamaCare, but we will help pay for it—you would actually be able to use the money to lower premiums. That would be something good. One, they would have kept their word, and, two, it would have been good for the American patient, if you will.

The other tax that has gone just poof—\$300 billion just gone without debate, without deliberation, without a committee hearing, which is still there on Friday, and today we walk in on Monday, and it is poof, and we vote on it tomorrow, and I am the first person to speak on it—is the so-called Cadillac tax.

Now, on the Cadillac tax, that is a provision under ObamaCare in which for high-cost policies, if they go too high, you get taxed on them. The whole idea is to encourage wiser purchasing of health insurance. Now, frankly, I didn't care for the Cadillac tax. I get the reason it was there. But 100 different economists have said that it serves a purpose across the political spectrum. My preference is that if we had replaced the Cadillac tax, one, we would have paid for it. We shouldn't be getting ObamaCare without paying for it. Secondly, we would have gotten